Secrt. II-27—100,000—21-8-53.

Finance **(1953) Department.**

M< **SERIES.**

G.O. No. 265
265

Dated 24.3.53

[Despatch Abstract.]

Sub:- Fundamental Rule - Rule 45-IV and 45-IV - Recovery of rent for quarters by the Government - Members absent.

GOVERNMENT OF MADRAS.
ABSTRACT.

BUILDINGS - Residences - Leased Buildings - Allotted as residences - Recovery of rent - Orders.

PUBLIC WORKS DEPARTMENT.

G.O. Ms. No. 4173 dated 11th December 1947.

Read the following papers:-

G.O. No. 2527, P.W.D., dated 24th September, 1946.
From the Inspector General of Police, No. 676 Bud/46, dated 20th November 1946.

...

Order:

In the G.O. cited above, it was ordered that in respect of all buildings requisitioned and allotted as residences to officers of Government who are not entitled to have quarters provided for them by the Government, the full amount of rent that has to be paid for the buildings by the Government should be recovered from the officers concerned instead of 10% of their emoluments with effect from 1st April 1946 and that in the case of buildings requisitioned for use both, as office and residence, proportionate rent calculated on the basis of full rent of the buildings should be recovered from the officer, for the portion occupied by him as residence.

2. The Inspector General of Police has brought to the notice of the Government that there are many buildings leased by the Government and occupied by police officers for which rent has been specifically fixed at 10% of their emoluments and has enquired whether the orders in paragraph 1 above will apply to leased buildings also.

3. The Government have examined the question raised by the Inspector General of Police. They direct that when a building is leased by the Government for an officer, the full rent which the Government will have to pay for the building should be recovered in all cases from the officer occupying the building.

4. In respect of bungalows taken over on behalf of Government and allotted by the Collector of Madras or the Controllers elsewhere, under section 3 of the Madras buildings (Lease and Rent Control Act, 1946, rent should be paid to the owners in accordance with the specific orders in force, relating to such houses.

5. The orders in paragraph 3 above, will take effect from the date of issue of this order.

6. Necessary amendments to the Fundamental Rules and the Madras Public Works Department Code will be issued in due course.

(By order of His Excellency the Governor)

D.V. Krishnamurthi.
Additional Deputy Secretary to Government.

P.T.O

To the Inspector General of Police.
To the Chief Engineer for Irrigation Buildings Branch.
To the Accountant General, through Finance.
To all other Heads of Departments.
To all Collectors including District Judges.
To the Registrar, High Court, Madras.
To the Finance Department with extract of notes.
To the Public (General C) Department.
To the Home Department.
To the Other Department of Secretariat.
Copy to "G" section for issuing amendments to M.W.W.D. Code.

/True copy/

Superintendent,
Madras Record Office.
6.53

mr.24.(

Finance Department(E&PC)

Memorandum No. 76793, Expr C-2 dated 4th February 48

Sub:- Fundamental Rules - Recovery of rent from Government Servants occupying buildings leased by the Government - Amendments to F.R. 45AIV F.R. 45AV and F.R.45 BIV

Ref:-Finance U.O. No. 76793 Expr C - 1 dated 6.1.48

...

The Accountant General, is requested to be so good as to state when a reply to the reference cited above may be expected.

(Sd). xxx
3.2.48

To the Accountant General
Madras.

/True copy/

Office of the Accountant-General, Madras.

No. W.M. 15-35.46-47.

Fort St. George, dated 13th Feb. 1948-

Enclosures.
To

The Secretary to the Government of Madras,
Finance Department. Madras.

Sub:-Fundamental Rules-Recovery of Rent from Government sergants occupying buildings leased by the Government-Amendments to Fundamental Rule 45-A-IV.

Ref:- Finance U.O. Note No.76793 Expc. 1 dated 6.1.48 and reminder No.76793 Expc. 2 dated 4.2.48.

...

The U.O. Note is under consideration and a reply thereto may be expected in a week.

(Sd) xx
Assistant Accountant General.

Finance(Exprc)

Please see overleaf.

2. As no reply from Accountant General has been received so far he may be reminded.

A draft memo. is submitted for approval.

(Sd) xx

/True copy/

Finance (Expc)

Memorandum No. 76793 Expc-3 dated 4.2.48

Sub:- Fundamental Rules - Recovery of rent from Government servants occupying buildings leased by the Government - Amendments to F.R. 45AIV 45AV and F.R. 45B IV

Ref:- Finance U.O.No.76793 Expc - 1 dated 6.1.48, Finance Memo. No. 76793 Expc-2 dated 4.2.48 and Accountant General's Memo. No. W.M.15-35, 46-47-477 dated 13.2.48

...

The Accountant General is requested to be so good to state when a reply may be expected.

(Sd) XXX

Copy to the Accountant General,
Madras.

/True copy/

GOVERNMENT OF MADRAS
ABSTRACT.

Fundamental Rules - Rule 45-A IV and V. and Rule 45-B IV - Recovery of rent for buildings leased by the Government - Amendments issued.

FINANCE (Expr - C) DEPARTMENT.

G.O. NO. Ms. 265 dated 24th March 1948.
Read the following:-

G. O. No. 2710 Public Works Department dated 6.9.47
G.O. . No. 4173 Public Works dated 11.12.47

...

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION

In exercise of the powers conferred by section 241 (2) (b) of the Government of India Act, 1935, His Excellency the Governor of Madras hereby makes the following amendments to the Fundamental Rules :--

AMENDMENTS:

1. In Fundamental Rule 45-A :--

(1) the Instruction under clause IV shall be numbered as paragraph 1 and the following shall be added as paragraph 2, namely:-

"2. When a building is leased by the Provincial Government for an Officer who is not entitled to rent-free quarters, the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the building";

(2) In the Instructions under clause V for the words "whether owned or leased" occuring in the paragraph before Note 1, the word "owned" shall be substituted.

2. In Fundamental Rule 45-B, Clause IV, the following heading and Instruction shall be added at the end namely:-

"Instruction under Fundamental Rule 45-B-IV

When a building is leased by the Provincial Government for an officer, who is not entitled to rent-free quarters, the full rent which the Government will have to pay for the building as well as any other incidental expenditure involved in securing a residence for him should be recovered in all cases from the officer occupying the building.

(By order of H.E. the Governor)

(Sd) x x x
Secretary to the Government.

P.T.O.

To the Accountant General, Madras.
To the Publuc Works Department (for issue of
C.S. to the Madras Public Works Department Code.)
To the Other Departments of Secretariat.
To all Heads of Department.
To the Superintendent of Government Press (for publication in the Fort St.-Gezatte George Gazette.
Copy to Secretary, Madras Public Service Commission (with St.)
Copy to Government of India, Ministry of Finance.
Copy to Finance.
Copy to Finance (C.S.R.) for amending Fundamental Rules.
Copy to P.P. Secretary, to Hon'ble the Premier.

/True copy/

Superintendent,
Madras Record Office,
Egmore.
-6-53

mr.25.6

GOVERNMENT OF MADRAS.
ABSTRACT.

Fundamental Rules - Rule 45-A IV and V and Rule 45-B IV - Recovery of rent for buildings leased by the Government - Amendments issued.

Rs-Rs - - -

To the Accountant General, Madras.
To the Public Works Department (for issue of C.S. to the M.P. W.D. Code).
To the Other Departments of Secretariat.
To all Heads of Department.
To the Superintendent of Government Press (for Publication in the F.S.G.G.)
Copy to Secretary., M.P.S.C. (with C.L.)
Copy to Government of India, Ministry of Finance.
Copy to Finance (C.S.R.) for amending F. rs.
Copy P.P. Secretary to Hon. the Premier.

~~(2 spare copies~~.

/True copy/

EXTRACT from Notes of Publuc Works Department
File No. 1870 Q 146

"It is but fair that we collect the full rent from the Officers for such houses".

(Sd) x x x
20.6.47.

5. With reference to the minutes of Hon'ble Minister (Finance) above it is presumed that full rent payable to the owners of leased buildings has to be recovered from the occupants of such buildings as in the case of requisitioned buildings instead of rent according to rules - which will be usually less as it will be limited to 10 p.c. of the occupants's pay.

6. It may be stated in this connection that if a building is taken on lease for 3 years and if the officer who has been in possession of the building vacates it on transfer after some time before the expiry of the lease period, and if his sucessor expresses his inability to pay the full rent for the building, the responsibility of finding another suitable officer to occupy the building, may fall upon the Government, i.e., the lessee, and it may so happen that the Government may not, sometimes, be in a position to find a suitable tenant for the house. The lease deed which the Government and the landlord enter into will have, therefore, to be modified suitably and this may result in some practical difficulties. Further Fundamental Rule 45 and relevant supplementary rules thereunder, and corresponding sections in this Madras Public Works Department Code will have also to be modified suitably.

A

7.It is now for orders whether para 3 of the draft order should be revised with reference to the minutes of Hon. Minister (Finance) so as to ensure that full rent is recovered in all cases. The case may be recirculated to Hon. Minister (Public Works) and Hon. Minister(Home.)

S.K. 17.7.47 | D.V.K. 18.7.47 | P.C.M. 18.7.47 | O.P.R. 18.7.47

H.M. (P.W.)
H.M. (Home)

H.M. (Fin.) will see again first.

M.B.
21.7.47

"A" above is a real difficulty. Anyway, let us revise para 3 of the draft.

B.G.R.
27.7.47.

Recirculated with reference to the minute of H.M. (Fin.)

OLP.R.
2.8.47.

H.M. (P.W.) I agree with H.M. (Fin. M.B
4.8.47

H.M. (Home) The draft may be revised as suggested by H.M. (Fin.)

P.S.
11.8.47

H.P?M. O.P.R.
30.10.47

P.T.O.

Public Works (Q Section).

Please see the orders in circulation above. A revised draft order is submitted below for approval. It is presumed that the proposed orders will take effect only from the date of issue of the orders. Attention is in this connection invited to the notes at X on page 8 n.f. Finance notes at Y on page 11 n.f. and this department's notes at Z on page 11 n.f.

2. The draft order below may issue after perusal by Public (General)Department, Home, and Fin (after issue a copy of the orders will be sent to Finance with relevant extracts from the notes for issuing necessary amendments to Fundamental Rule.

A.J. 7.11.47

D.V.K. 8.11.47.

T.A.V.
8.11.47 Public (General)/ Development/Home/Finance.

(sd) x x
Superintendent.

/True copy/

(Issued as GGO[illegible] Works, dated 11.12.47.)

Finance (Expenditure C) Department

Please see the orders in the C.F. and the extract of notes on pp. 1-2 above.

2. Sub Clause (b) under Fundamental Rule 45-A-IV and under Fundamental Rule 45 B-IV deal with the recovery of rent from Government servants occupying residences leased or owned by the Government. With reference to this sub-Clause, rent is recoverable at 10% of the monthly emoluments of the Government servant occupying a leased residence or the standard rent, as defined in clause III under Fundamental Rule 45-A and under Fundamental Rule 45-B, whichever is less. It would seem sufficient if an Instruction is added, under each of the above Sub-Clauses, to the effect that, when a building is leased by the Government for an officer, the full rent which the Government will have to pay for the building should be recovered in all cases from the officer occupying the building. It also seems necessary to substitute for the words 'whether owned or leased' occuring in the instruction under Fundamental Rule 45 A-V introduced by Correction Slip No. 6 dated 25.1.46, the word 'owned'.

3. A draft order indicating the necessary amendments is submitted for approval. It may be sent to the Accountant-General for acceptance or remarks if any in the first instance. Legal may see the case later before issue of the draft.

(Sd) x x
6.1.48

/True copy/

Accountant General's Office, Madras.

Amendment (b) proposed is accepted.

2. As regards (a) and (c) a reference is invited to G.O. No. Ms. 2710 Public Works Department dated the 16th September 1947, where Government have explained their responsibility in the matter of securing accommodation to officers who are not entitled to rent-free quarters. It is suggested that the substance of the orders contained in this G.O. may also be incorporated in the amendments proposed so as to bring out clearly the extent of responsibility of Government in regard to buildings leased or otherwise provided by them for Government servants who are not entitled to rent-free quarters.

(Sd) S. Sundararaman,
Deputy Accountant General.

M.G. Finance (Exp) U?O.
A.G. Madras U.O. No. W.M. 15-35/46-47/512, dated 2.3.48

P.W.D. (G)

Missent. Finance U.O.

Public Works Department-
U.O. No. 1353 G/48-1
5.3.48

(Sd) xxx
5.3.48

/True copy/

Finance (Expenditure C) Department.

Please see the Accountant General's reply ~~on p.~~3 above.

2. The Accountant General apparently wants that it should be made clear in the amendments proposed to be issued that the Government will not undertake responsibility for leasing buildings for officers not entitled to rent-free quarters and that where the officer seeks the help of the department concerned for securing any residential accommodation, such accommodation may be provided by the Government subject to the condition that the officer is willing to pay the full rent of the building along with any other incidentail expenditure.

The draft order may be amplified, as indicated in pencil. so as to make the position clear.

3. It does not seem necessary to consult the Accountant General again. The case may now be sent to Public Works for perusal and to the Legal Department for scrutiny of the draft order before issue.

(Sd) x x x
12.3.48

Finance
~~Memorandum~~ No. 76793 Exp 1-4 dated 13.3.48

The draft order below may be perused and the file passed on to legal Department

(Sd) xx
17.3.48

1606G/48-1, 17.3.48 Legal Department.
The alterations indicated in red ink on the draft may be made.
The draft order as amended by Legal may ~~now issue.~~ Fin.(Dept.)

Legal U.O. No. 3294/48/, 19.3.48
through Civil Service Regulation.

(Sd) x x
24.3.48

/True copy/

Superintendent,
Madras Record Office, Egmore.
2.8.53

mr/25.6